

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04CV595-MU-02

JEREMIAH ROYSTER, )  
Plaintiff, )  
 )  
v. )  
 )  
LEWIS SMITH, Supt. Of Lanes- )  
boro Correctional Institu- )  
tion; )  
JAMES FRENCH, Acting Supt. Of )  
Lanesboro Correctional In- )  
stitution; )  
SAMUEL DAWKINS, Physician at )  
Lanesboro Correctional Inst.)  
(FNU) DIXIE, Supervisory Nurse )  
at Lanesboro Correctional )  
Inst.; )  
(FNU) KEEGAN, Registered Nurse )  
at Lanesboro Correctional )  
Inst.; )  
(FNU) MORGAN, Registered Nurse )  
at Lanesboro Correctional )  
Inst.; )  
(FNU) SNUGGS, Registered Nurse )  
at Lanesboro Correctional )  
Inst.; and )  
(FNU) TODD, Registered Nurse )  
at Lanesboro Correctional )  
Inst., )  
Defendants. )  
\_\_\_\_\_ )

O R D E R

**THIS MATTER** comes before the Court on the plaintiff's "Notice Of Dismissal [Pursuant To] Fed.R.Civ.P. 41(A)(1)(i)[sic]," filed October 4, 2005.

Pursuant to Fed.R.Civ.P. 41(a)(1)(i), a plaintiff may dismiss an action without the consent of court so long as the adverse parties have not responded to the complaint with an answer or motion for summary judgment. Such dismissal is achieved solely by the plaintiff filing a notice of dismissal with the Court.

Inasmuch as the plaintiff here has properly filed such a Notice; and the defendants have neither yet responded to the plaintiff's Complaint with an answer nor filed any dispositive motions, the plaintiff's Notice will be deemed a voluntary dismissal of his case.

Accordingly, the plaintiff's Complaint is hereby **DISMISSED without prejudice.**

**SO ORDERED.**

**Signed: October 6, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

